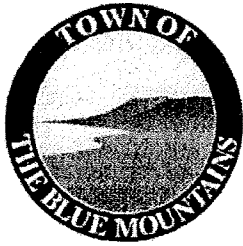


2.5

STAFF REPORT: BUILDING & BY-LAW DEPARTMENT



REPORT TO: Finance & Admin. Committee
MEETING DATE: May 22, 2008
REPORT NO.: SRB.08.30
SUBJECT: Sign By-law Variance Fees
PREPARED BY: Sharon Long, Administrative Assistant, Building & By-law

A. Recommendations

THAT Council receive staff report SRB.08.30 and endorse the implementation of the \$75.00 variance fee found in Sign By-law No. 2001-57, as amended, commencing July 1, 2008.

B. Background

Section 7.07 of Sign By-law No. 2001-57, as amended, sets out the provisions related to minor variances and authorizes a fee of \$75.00 for same.

Since the inception of the By-law, Town Staff, with the support of the Sign By-law Review Committee and Town Council, have not collected the prescribed fee.

As the minor variance process has evolved and become more structured, the work has increased considerably for Town Staff and the Sign By-law Review Committee. Given this, Staff are recommending that Council endorse the collection of the \$75.00 variance fee commencing July 1st, 2008

C. The Blue Mountains' Strategic Plan

"Providing a strong, well managed municipal government."

D. Environmental Impacts

N/A

E. Budget Impact

Approximately \$750 in revenue.

G. Attached

1. Section 7.07 of Sign By-law No. 2001-57, as amended.

Prepared by,

Handwritten signature of Sharon Long in cursive.

Sharon Long
Administrative Assistant, Building & By-law

Respectfully submitted,

Handwritten signature of David Finbow in cursive.

David Finbow
Director, Building & By-law/CBO

If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee shall be doubled. However, payment of the doubled fee shall not relieve any person of any other requirement or penalties prescribed in this By-law.

Section 7.06 - Inspection Upon Completion

Any person installing, structurally altering or relocating a sign for which a permit has been issued shall notify the Chief Building Official upon completion of the work. The Chief Building Official may require a final inspection, including an electrical inspection and inspection of footings on freestanding signs and confirmation of inspection by the Electrical Safety Authority.

The Chief Building Official may require at the time of issuance of a permit that written notification for an inspection be submitted prior to the installation of certain signs.

Section 7.07 - Minor Variances

When requesting a permit, the applicant may further apply to the Sign By-law Review Committee, which shall be appointed by Council for a period to coincide with that of Council, for consideration of any request for minor variance from certain requirements of this By-law, and subsequent recommendation to Council to grant or not grant such request, and any decision of Council shall be final in the matter. A variance may be granted by Council where the literal application of the By-law would create a particular hardship for the sign user and the following criteria are met. An application for minor variance must be accompanied by the prescribed fee, as contained in Schedule "A" to this By-law, and such fee shall be in addition and further to the prescribed fee of an accompanying permit application.

- (1) The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.
- (2) Hardship caused the sign user under a literal interpretation of the By-law is due to conditions unique to that property and does not apply generally to the Town.
- (3) The granting of the variance would not be contrary to the general objectives of this By-law, any Town Official Plan or Zoning By-law and the terms and provisions of any agreement which might bind the property. In granting a variance, the Council may attach additional requirements necessary to carry out the spirit and intent of this By-law in the public interest.

Section 7.08 - Violations

- a) Except as provided by Section 7.09(2) or (3), when, in the opinion of the Chief Building Official or a Municipal Law Enforcement Officer a violation of the by-law exists, a Notice shall be issued to the owner of the sign. The Notice shall state the nature of the violation and provide a period of time to correct the alleged violation or to appeal to Council or a Committee thereof. (By-law 2006-105)

Section 7.09 - Removal of Illegal Signs

- (1) When a sign is erected or displayed in contravention of the provisions of this By-law and the Notice referred to in Section 7.08 has not been complied with, such sign may be Ordered to be removed by the Chief Building Official or Municipal Law Enforcement Officer and, where such sign has not been removed in compliance with such Order, the Chief Building Official or Municipal Law Enforcement Officer may cause the immediate removal of the sign without further Notice. Any and all costs associated with such removal, including a minimum \$50.00 administrative surcharge, shall be borne by the owner of the sign. (By-law 2006-105)